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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,840	08/16/2001	Matthew D. Birder	15437-0542	4551

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HICKMAN PALERMO TRUONG & BECKER, LLP
1600 WILLOW STREET
SAN JOSE, CA 95125

EXAMINER

FILIPCZYK, MARCIN R

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/931,840

Applicant(s)

BIRDER, MATTHEW D.

Examiner

Marc R Filipczyk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/10/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

This action is responsive to Applicant's response filed July 19, 2004 wherein claims 1-24 are pending. Miscellaneous letter of 7/30/2004 regarding U.S Patent related application 09/932,110 is noted.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on September 10, 2004 is noted.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 13, the amended term "approximates" is indefinite. It is not clear what the meets and bounds of approximate are.

Claims 2-12 and 14-24 depend from 1 and 13 respectively, therefore contain the deficiencies of these claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1, 2, 4-14 and 16-24 are rejected under 35 U.S.C. 102(e) as best as the examiner is able to ascertain as being anticipated by Sundaresan (U.S. Patent No. 6,487,566).

Regarding claims 1 and 13, Sundaresan discloses a computer system and method for generating a transformation document comprising: (fig. 1, 106)

analyzing a target document; and (fig. 1, item 124)

automatically generating, based at least upon said target document, a transformation document (fig. 1, item 108), said transformation document capable of being processed in conjunction with a source document (fig. 1, item 112) to transform said source document into a result document (fig. 1, item 126).

Regarding claims 2 and 14, Sundaresan discloses target and source documents are XML (abstract, lines 1-3).

Regarding claims 4 and 16, Sundaresan discloses a target document comprises a particular data structure pattern, and wherein automatically generating said transformation document comprises: (fig. 1)

inserting a template comprising one or more actions into the transformation document, the template causing said particular data structure pattern to be created in said result document

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when a particular triggering data structure pattern is encountered during processing of said transformation document (fig. 1, item 110 and col. 6, lines 29-67).

Regarding claims 5 and 17, Sundaresan discloses source and target documents both comprise a particular data structure pattern, and wherein automatically generating said transformation document comprises: (fig. 1)

inserting a template into said transformation document, said template comprising a copy action, said template causing said particular data structure pattern to be copied into said result document when said particular data structure pattern is encountered during processing of said transformation document (fig. 1, item 110 and col. 6, lines 29-45).

(Note: replacement of data during pattern match is equivalent to copying)

Regarding claims 6 and 18, Sundaresan discloses wherein analyzing said target document comprises:

compiling a list of data structure patterns that occur in said target document (col. 9, lines 55-60).

Regarding claims 7 and 19, Sundaresan discloses wherein automatically generating said transformation document comprises:

selecting a particular data structure pattern from said list; and

inserting a template comprising one or more actions into the transformation document, the template causing said particular data structure pattern to be created in said result document

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when a particular triggering data structure pattern is encountered during processing of said transformation document (fig. 1, item 110 and col. 10, lines 46-52).

(Note: Pattern Matching Language (PML) is template based)

Regarding claims 8 and 20, Sundaresan discloses wherein automatically generating said document comprises:

for each particular data structure pattern in said list, inserting a template comprising one or more actions into the transformation document, the template causing said particular data structure pattern to be created in said result document when a particular triggering data structure pattern is encountered during processing of said transformation document (fig. 1, item 110 and col. 10, lines 46-52).

(Note: Pattern Matching Language (PML) is template based)

Regarding claims 9 and 21, Sundaresan discloses:

analyzing said source document;

wherein analyzing said source document comprises:

compiling a first list of data structure patterns that occur in said source document;
(fig. 1) and,

wherein analyzing said target document comprises:

compiling a second list of data structure patterns that occur in said target document (col. 12, lines 10-25).

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(Note: searching and compiling source and target tree and subtree data structure patterns is equivalent to compiling two lists of data structure patterns)

Regarding claims 10 and 22, Sundaresan discloses wherein generating said transformation document comprises:

determining whether any data structure pattern on said first list is identical to a data structure pattern on said second list; (col. 12, lines 13-15) and

in response to a determination that a particular data structure pattern on said first list is identical to a data structure pattern on said second list, inserting a template into said transformation document, said template comprising a copy action, said template causing said particular data structure pattern to be copied into said result document when said particular data structure pattern is encountered during processing of said transformation document (col. 12, lines 19-21).

Regarding claims 11, 12, 23 and 24, Sundaresan discloses a third document of a particular type (fig. 1, item 116 of 112).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sundaresan (U.S. Patent No. 6,487,566) in view of Nasr et al (U.S. Patent No. 6,263,332).

Regarding claims 3 and 15, Sundaresan discloses all of the claimed subject matter as discussed above in claim 1 including a transformation document (fig. 1, item 122, Sundaresan) and briefly discusses XSL transformations (see col. 4, lines 1-26), but does not expressly teach the transformation document is in XSLT.

However, Examiner asserts that transforming XML documents by using XSL is notoriously well known. Further, Nasr teaches transforming XML documents by submitting a target query with XSL specifications (fig. 3, items 320 and 380, Nasr). Hence, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Sundaresan's transformation document format to XSLT. One would have been motivated to use XSLT because XSLT is an XML based language for rendering documents.

Response to Arguments

Applicant's arguments filed on July 19, 2004 have been fully considered but they are not persuasive. The arguments and responses are listed below.

Applicants argue on pages 10 and 11 of the 7/19/2004 response that Sundaresan does not disclose or suggest that a transformation document be automatically generated based upon a target or result document. Also, on pages 11 and 12, Applicants argue that the pattern matching component 118 can in no way be interpreted as a "document".

Examiner disagrees. It appears that the Applicants have misunderstood the Sundaresan system. Pattern matching component 118, or more broadly, web daemon 108 used in Sundaresan system's transformation document has and uses components 122 and 118 similar to that disclosed by the Applicants and not claimed as a transformation document explained on page 10, lines 17 and 18. Thus, the transformation document is clearly the same as that claimed. Second, in Sundaresan system, the target document 124 is clearly input to the transformation document 108 as can be seen in the first figure. Applicant's cannot logically argue that the target document 124 is a source document therefore it is different without substantial support and evidence, and even if the target document 124 could be interpreted as a source document Examiner contends that a desired source document (i.e., inputted document 124) is equivalent to a target document because that is the sought, desired, result document.

Applicants argue on page 13 of the 7/19/2004 response that Nasr does not make up for the deficiencies of Sundaresan regarding the independent claims.

Examiner disagrees. Examiner notes that Sundaresan discloses all the subject matter of the independent and most dependent claims and therefore Nasr is not relied upon for the argued independent claims, as such the Applicants argument is moot in view of Sundaresan.

With respect to all the pending claims 1-24, Examiner respectfully traverses Applicants' assertion based on the discussion and rejection cited above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R Filipczyk whose telephone number is (571) 272-4019. The examiner can normally be reached on Mon-Fri, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF

November 29, 2004


SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100